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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ROGER DAULT and JEANNINE
12 DAULT,

13 Plaintiffs,

14 v.

15 DEPUTY CHAD CARR, a Pierce County
16 Sheriff's Deputy and his marital
17 community; et al.,

18 Defendants.

CASE NO. C07-5708BHS

ORDER DENYING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
DENYING DEFENDANTS'
CROSS-MOTION FOR
SUMMARY JUDGMENT

19 This matter comes before the Court on Plaintiffs' Motion for Summary Judgment
20 (Dkt. 19) and Defendants' Cross-Motion for Summary Judgment (Dkt. 24). The Court
21 has considered the pleadings filed in support of and in opposition to the motions and the
22 remainder of the file and hereby denies the motions for the reasons stated herein.

23 **I. FACTUAL AND PROCEDURAL BACKGROUND**

24 On November 19, 2007, Plaintiffs filed a complaint for damages against
25 Defendants in the Pierce County Superior Court for the State of Washington. Dkt. 1-2.
26 On December 26, 2007, the case was removed to this Court and assigned to the
27 Honorable Franklin D. Burgess. Dkt. 1. On July 21, 2008, the Court issued a scheduling
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1 order that provided, in part, as follows: "All remaining motions, including DISPOSITIVE
2 MOTIONS, shall be filed by 07/21/2009." Dkt. 8 at 1.

3 On August 13, 2009, the matter was reassigned to the undersigned. Dkt. 16.

4 On September 11, 2009, Plaintiffs filed a Motion for Summary Judgment. Dkt. 19.
5 On October 5, 2009, Defendants responded and included a Cross-Motion for Summary
6 Judgment. Dkt. 24. On October 9, 2009, Plaintiffs' replied to their motion. Dkt. 26..

7 **II. DISCUSSION**

8 When an act must be done within a specified time, the court may, for good cause,
9 extend the time on motion made after the time has expired if the party failed to act
10 because of excusable neglect. Fed. R. Civ. P. 6(b).


11 In this case, both Plaintiffs' motion and Defendants' motion were filed after the
12 deadline for the filing of motions. Moreover, the parties have not filed a motion for an
13 extension of the deadline and have failed to show either good cause or excusable neglect.
14 Therefore, the Court denies both Plaintiffs' motion and Defendants' motion as untimely.

15 **III. ORDER**

16 Therefore, it is hereby

17 **ORDERED** that Plaintiffs' Motion for Summary Judgment (Dkt. 19) is **DENIED**
18 and Defendants' Cross-Motion for Summary Judgment (Dkt. 24) is **DENIED**.

19 DATED this 9th day of October, 2009.

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23 BENJAMIN H. SETTLE
24 United States District Judge
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